

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

**RENHAO LI,
6809 Creekwood Court
Clarksville, MD 21029**

Plaintiff,

v.

**PAYPAL, INC.
2145 Hamilton Avenue
San Jose, CA 95125**

**Serve Registered Agent:
THE CORPORATION TRUST
INCORPORATED
351 West Camden Street
Baltimore, MD 21201-7912**

Defendant.

Civil Action No.: _____

Date: May 31, 2017

**CIVIL COMPLAINT FOR EQUITABLE AND MONETARY RELIEF
AND DEMAND FOR JURY TRIAL**

Plaintiff Renhao Li, by and through counsel, files this Civil Complaint against PayPal, Inc. (“PayPal”) for discrimination and retaliation in violation of the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621, *et seq.*

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action under 28 U.S.C. § 1331. Li’s federal cause of action is authorized by the ADEA.
2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because the events complained of occurred within this judicial district.

3. Li filed a timely Equal Employment Opportunity Commission (“EEOC”) Charge of Discrimination on December 19, 2014, and received an EEOC Notice of Right to Sue on or about March 27, 2017.

PARTIES

4. Plaintiff Li is a resident of Clarksville, Maryland. PayPal and Bill Me Later employed Li as a Principal Statistical Analyst, or Credit Risk Analyst, from April 13, 2009, until August 18, 2014.

5. Defendant PayPal is an online financial transactions company. Bill Me Later was acquired by PayPal on November 7, 2008, and changed its name to PayPal Credit in 2014. PayPal Credit is a subsidiary of PayPal and headquartered in Timonium, Maryland. At all times relevant to the action, PayPal was an employer under the ADEA.

FACTUAL ALLEGATIONS

6. Li is sixty-three (63) years old.

7. Bill Me Later hired Li on April 13, 2009, and Li immediately began reporting to Brian Biglin.

8. In his position as a Principal Statistical Analyst, Li’s responsibilities included reporting, analysis, and statistical modeling for PayPal Credit.

9. In the spring of 2010, Li’s reporting structure changed, and he began to report to Shawn Benner.

10. In 2011, Li, working alone, developed a response model for PayPal Credit’s acquisition campaigns.

11. Benner instructed a younger employee, Fan Hu, to present the model to senior management.

12. Benner did not invite Li to the model presentation or credit Li with any contribution to the model.

13. PayPal Credit has been using the model Li developed for its acquisition campaigns.

14. In February 2012, Li's counterpart Alice Zhang, was put on a Performance Improvement Plan and then terminated from PayPal.

15. Zhang was fifty (50) years old at the time of her termination and a grade twenty-seven (27) within the company.

16. In or about March 2012, Mark Gold, Fan Hu, Anil Jayaprakash, and Li were all working on a financial model.

17. Gold and Jayaprakash worked on a "merchant model," Hu worked on a "clean" model, and Li worked on the "dirty" model.¹

18. On or about March 15, 2012, Benner instructed his team that their models would be presented to a group of people on March 19, 2012.

19. Li began preparing a presentation for the meeting and assumed he would present his model at the meeting.

20. Benner instructed Hu to present both his "clean" model and Li's "dirty" model,

21. Li became upset that he was unable to present the model he designed and expressed these concerns in a meeting with Benner.

22. After his meeting with Benner, Li sent an email to clarify his concerns to Benner.

¹ A "clean" model is the acquisition statistical model for PayPal prospects with clean credit histories, meaning customers without any ninety-day delinquencies or other credit issues. A "dirty" model is for prospects with less perfect credit histories. A "merchant" model is for retailers and other small business owners.

23. Benner interpreted Li's dissatisfaction as a sign that Li wanted credit for the work that Li did.

24. Instead, Li was concerned the team was duplicating efforts and that Li was left out of the meeting wherein he could have received feedback about his model. Benner explained that he had no concerns or feedback about Li's model.

25. In or about May 2012, Brenner assigned a younger, less experienced employee, David Zhu, to manage Li.

26. Li confronted Benner with concerns about Zhu being less experienced than him and having a difficult time explaining his work to Zhu.

27. Zhu later gave Li low performance ratings due to Zhu's lack of understanding of Li's work.

28. Li protested both Zhu's ratings and comments in Li's review.

29. In or about August 2012, Hu refused to provide the correct string of code to Li that he needed.

30. Hu repeatedly provided the wrong information to Li.

31. Li attempted to raise this concern to Benner, who blamed Li for the confrontation and said Li was a difficult co-worker.

32. Li subsequently sent a strongly worded email to Benner, which in part accused Benner of being a poor manager and scaring talent away from his team.

33. In July 2013, Gold was put on a Performance Improvement Plan and terminated from PayPal.

34. Gold was around sixty (60) years old at the time of his termination and a grade twenty-seven (27).

35. In or about August 2013, Benner opted to utilize the financial model of a younger employee rather than Li's better performing model.

36. Li subsequently confronted Benner by email for making poor business decisions and copied PayPal's Human Resources Representative Paige Cox on the email.

37. Within the same email, Li asserted that he deserved better performance reviews and believed he was being treated unfairly.

38. On or about March 6, 2014, Li filed an aged discrimination complaint with PayPal's Human Resources Department alleging Benner's discriminatory treatment of older workers on his team.

39. Li asserted that Benner placed Zhu, a younger worker, in a supervisory role over Li so that Benner could more easily control and manipulate Zhu's supervision.

40. On or about March 12, 2014, Benner gave Li a corrective counseling memorandum from Benner alleging an unprofessional and unproductive behavior and attitude, specifically in emails.

41. The memorandum outlined concerns dating back to June 2013, almost a full year before the March 12, 2014, memorandum date.

42. On June 26, 2014, Li began four weeks of sabbatical from PayPal.

43. PayPal provides sabbaticals to all employees who reach five (5) years of employment with PayPal.

44. Li's last day of sabbatical was scheduled for Friday, July 25, 2014.

45. On or about July 30, 2014, when Li returned from sabbatical, Benner placed Li on a Performance Improvement Plan ("PIP").

46. Benner gave Li thirty (30) days to correct the deficiencies listed within the PIP.

47. The PIP did not address Li's attitude but was related to Li's work product and required the following: that Li (a) bring data into a state that PayPal would be comfortable using the data; (b) verify the models Li created after documenting and addressing any issues; (c) providing insight into how Li's models would be useful in marketing; and (d) providing insight and recommending how PayPal should maximize internal data.

48. On or about August 11, 2014, Li filed another complaint with PayPal's Human Resources Department.

49. Li's complaint alleged that the PIP he received was the result of retaliation for having previously reported Benner's age discrimination to PayPal's Human Resources Department.

50. On or about August 18, 2014, Li was terminated from PayPal, less than thirty (30) days after being placed on the PIP.

COUNT I
Discrimination in Violation of the Age Discrimination in Employment Act
29 U.S.C. §§ 621, *et seq.*

51. Li hereby incorporates the allegations set forth in the foregoing paragraphs as though fully alleged herein.

52. Li is a "person" and an "employee" and PayPal an "employer" as the terms are defined at 29 U.S.C. §§ 621, *et seq.*

53. Li is over forty years old and within a protected class under 29 U.S.C. §§ 621, *et seq.*

54. Li's performance was exceptional and he was meeting all of his employer's legitimate expectations at the time of his termination.

55. PayPal terminated Li's employment wholly or partially because of his age. PayPal placed Li under the supervision of a younger, less experienced employee, excluded Li from meetings in favor of younger employees, and otherwise treated younger employees in a more favorable manner.

56. PayPal has no legitimate business reason for terminating Li, and PayPal's stated reasons for Li's termination are pretextual.

57. Li has exhausted his administrative remedies.

58. Li has sustained damages as the result of PayPal's willful discrimination in violation of the ADEA, including but not limited to economic damages.

59. Li is entitled to such legal or equitable relief as will effectuate the purposes of the statute, including but not limited to economic and liquidated damages, injunction, and reasonable costs and attorneys' fees.

COUNT II
Retaliation in Violation of the Age Discrimination in Employment Act
29 U.S.C. §§ 621, *et seq.*

60. Li hereby incorporates the allegations set forth in the foregoing paragraphs as though fully alleged herein.

61. Li is a "person" and an "employee" and PayPal an "employer" as the terms are defined at 29 U.S.C. §§ 621, *et seq.*

62. Li is over forty (40) years old and within a protected class under 29 U.S.C. §§ 621, *et seq.*

63. Li engaged in protected conduct when he reported age discrimination to PayPal's Human Resources Department in August 2013.

64. After he engaged in protected conduct, PayPal assigned Li to report to a younger, less experienced manager.

65. On or about March 6, 2014, PayPal issued Li a performance evaluation that was much lower than his previous evaluations.

66. Li again engaged in protected conduct when he made a formal complaint of age discrimination to PayPal's Human Resources Department on March 6, 2014.

67. Within a week of reporting age discrimination to PayPal's Human Resources Department, PayPal issued Li a corrective counseling memo.

68. In or about June 2014, PayPal subjected Li to another adverse action when it placed Li on a Performance Improvement Plan.

69. There were no intervening events between Li's second instance of protected conduct and the Performance Improvement Plan, as Li was on sabbatical at the time.

70. Li engaged in protected conduct again when he filed a formal complaint of age discrimination with PayPal's Human Resources Department on August 11, 2014.

71. PayPal terminated Li on or about August 18, 2014.

72. PayPal subjected Li to these adverse actions wholly or partially because Li had engaged in protected conduct by complaining of age discrimination.

73. PayPal has no legitimate business reason for subjecting Li to these adverse actions, and PayPal's stated reasons for Li's termination are pretextual.

74. Li has exhausted his administrative remedies.

75. Li has sustained damages as the result of PayPal's willful retaliation in violation of the ADEA, including but not limited to economic damages.

76. Li is entitled to such legal or equitable relief as will effectuate the purposes of the statute, including but not limited to economic and liquidated damages, injunction, and reasonable costs and attorneys' fees.

PRAYER FOR RELIEF

Based on the foregoing, Plaintiff Renhao Li respectfully requests that the Court enter judgment in his favor and award him the following relief:

- A. Economic damages;
- B. Liquidated damages;
- C. Attorneys' fees and expenses; and
- D. Any other relief this Court deems just and equitable.

JURY DEMAND

Plaintiff Renhao Li demands a trial by jury for any and all issues proper to be so tried.

Respectfully submitted,



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Dated: May 31, 2017